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June 6, 2025

Hon. Miroslav Lovric
Federal Building and US Courthouse
15 Henry Street
Binghamton, New York 13901

Re: **Happy Hour Drinks Company, Inc. vs. Can Man, LLC d/b/a Best Bev Co., and
Best Bev LLC**
Case No.: 3:24-cv-00047(TJM/ML)
Our File No.: 2024-116

Dear Magistrate Judge Lovric:

I submit this letter as a status report on behalf of the defendants. Pursuant to the Court's directive, the parties continue to proceed with discovery while awaiting a decision from the District Court on Defendants' appeal (Docket No. 67). Plaintiff has served Rule 30 (b)(6) notices on both defendants and the witnesses to appear have been identified, however, some of the topics disclosed in the notice involve the financial documents that have not been disclosed to date pursuant to the stay that was issued pending the appeal (docket No. 75). Thus, Plaintiff is awaiting a determination on the appeal to proceed with the final depositions.

In the interim, the parties have agreed to another session of mediation with attorney Terrence O'Connor in hopes of resolving this case. That mediation has been scheduled for August 13, 2025. Due to the mediator's summer schedule, this was the earliest date we could obtain and the parties believe that this particular mediator is the best fit to handle the mediation and bring this matter to a conclusion. All parties from this action and the declaratory judgment action will be attending the mediation.

With respect to the companion declaratory judgment action in the Eastern District of Pennsylvania, it is my understanding that a Rule 16 conference was conducted and all discovery is to be completed by October 20, 2025.

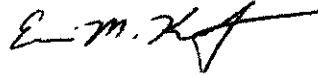
With respect to expert witness disclosure and the Rule 30(b)(6) depositions, I believe plaintiff's counsel will be seeking an extension of the discovery deadlines from the most recent scheduling order (Docket No. 79) based upon the pending appeal on the financial disclosure

issues. Defendants have no objection to this request provided defendants' time frame is extended in a comparable manner.

I thank the Court for its attention to this matter.

Very truly yours,

COOK, KURTZ & MURPHY, P.C.

A handwritten signature in black ink, appearing to read "E. M. Kurtz", with a stylized flourish at the end.

ERIC M. KURTZ

EMK:tmr

cc: Joseph A. Churgin, Esq.
Savad Churgin